

Honorable Lewis L. Strauss
Chairman, Atomic Energy
Commission
Washington 25, D. C.

Dear Lewis:

Since the passage of the Atomic Energy Act of 1954, representatives of the Atomic Energy Commission and this Agency have been attempting to reduce the problems involved in authorizing access to Restricted Data by personnel of this Agency, who require such material in connection with their official duties.

The two main problems are the time and expense involved in security investigations and the interchange between personnel of this Agency granted access to Restricted Data and personnel of other agencies, particularly in the Department of Defense, who are also authorized access to the same material.

In connection with the investigation problem, I believe our Office of Security has demonstrated to your security officials that our investigative and clearance proceedings for the personnel involved meet all the requirements of section 145 of the Atomic Energy Act of 1954. Yet in any one case where an employee of this Agency assumes duties which require access to Restricted Data, it has been the practice to follow the requirements of section 145, including a full field investigation by the Federal Bureau of Investigation even though we are prepared in such case to make available to the Commission for review the results of our own investigation. This compliance with section 145 means a delay

OGC Has Reviewed

of several months at least and involves an expenditure of Government funds that would appear to be an unnecessary duplication.

We had hoped that the exception set forth in subsection b. of section 145, authorizing the Commission or General Manager to grant access to Restricted Data without the detailed investigations otherwise specified in that section, would provide a means for eliminating this time-consuming duplication. We have been informed that there is doubt whether the authority in this subsection could be extended so as to grant access to our employees based on their Central Intelligence Agency clearance. It would seem appropriate, therefore, to seek an amendment to the law to provide for such action.

This was done for the Department of Defense in section 143 of the 1954 Act. It is our understanding that under this section access to Restricted Data is granted to personnel in the Department of Defense and members of the armed forces when appropriate certification and determination is made that the individual requires the information in performance of his duties and that permitting the access will not endanger the common defense and security. Similar arrangements would be completely satisfactory to this Agency so far as the clearance problem is concerned, and I propose, therefore, that legislation be requested which would put Central Intelligence Agency personnel on the same basis as Department of Defense personnel and members of the armed forces. To assure that there would be no legal barrier to interchange between the Central Intelligence Agency personnel and the Department of Defense personnel granted access in this manner, as well as persons granted access under section 145b, I feel the legislation should clearly authorize such interchange.

I am enclosing a proposed amendment to section 143 which we believe if enacted would fulfill these purposes. I trust it will be agreeable to you to present such a proposal during the present session of the Congress. If you desire any further information, I suggest you have your representative contact our General Counsel.

Sincerely,

✓ OGC:LRH:jeb
DCI AD/SI
DDCI Legislative Counsel
ER General Counsel
DD/I
Enclosure

Allen W. Dulles
Director

Section 143

"Sec. 143. Department of Defense and Central Intelligence Agency Participation. --- The Commission may authorize any employee of an Agency of the Department of Defense or of its contractors, or any member of the Armed Forces, or any employee of the Central Intelligence Agency to have access to any Restricted Data required in the performance of his duties and to discuss with or mutually exchange with any employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission or any persons authorized access to Restricted Data by the Commission under the provisions of Section 145b or this section any Restricted Data in the possession of either required in the performance of his duties or in furtherance of research and development, military utilization, or intelligence activities in the field of Atomic Energy and so certified by the head of the appropriate agency of the Department of Defense or his designee or the Director of Central Intelligence or his designee:

" Provided, however, That the head of the appropriate agency of the Department of Defense or his designee or the Director of Central Intelligence or his designee, has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: And provided further, That the Secretary of Defense or

the Director of Central Intelligence finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under Section 145."

1828 000000 14 5:30

1829 000000 14 11:57

MEMORANDUM FOR: Mr. Dulles

A copy of this letter has been sent
to Larry Houston for his information.

AAB
AAB

12 Feb 58

(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)